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FOUNDED 1866

February 27, 2009

Louis Bullock
Bullock, Bullock & Blakemore
1110 West 7th Street, Suite 707
Tulsa, OK 74119
Via email: lbullock@bullock-blakemore.com

Re: Agreement on peer review materials relating to Plaintiffs' experts

Dear Louis:

Thank you for talking with Robert George and me today about Tyson Foods, Inc.'s motion to compel production of peer review materials (Dkt. #1851). As we discussed, I write to memorialize our conversations.

1. You informed us that, other than the manuscript relating to Dr. Harwood's work that was submitted to the *Journal of Applied and Environmental Microbiology*, no expert or any other person associated with Plaintiffs in this case has submitted any manuscript, paper, or other work for peer review that discusses the work that Plaintiffs' experts have undertaken in this case. Dr. Fisher has submitted a poster or other material for presentation at a conference in China, but you noted that this is not a peer review process. Plaintiffs will produce to Defendants any materials relating to that China submission

2. We agreed that Plaintiffs will notify Defendants within 48 hours if any expert or any other person associated with Plaintiffs in this case submits any manuscript, paper, or other work for peer review that discusses the work that Plaintiffs' experts have undertaken in this case. We agreed that Tyson will withdraw the above-referenced motion, with leave to re-file.

3. You agreed to check if there are any additional materials relating to the submission to the *Journal of Applied and Environmental Microbiology*, including the names of the reviewers Dr. Harwood suggested and any materials that may be in the possession of the other authors.



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Please let me know if I have misunderstood any of these points. As we discussed, I called Judge Cleary's chambers today to inform the court that Tyson is withdrawing its motion on peer review materials.

Sincerely,

Jay T. Jorgensen

A handwritten signature in black ink, appearing to read "Jay T. Jorgensen", written over the printed name.